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9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 SECURITIES AND EXCHANGE
14 COMMISSION,

15 Plaintiff,

16 vs.

17 MARK LESLIE, *et al.*,

18 Defendants.
19

Case No. 5:07-cv-03444-JF

**JOINT STIPULATION AND
[PROPOSED] ORDER TO EXTEND
PAGE LIMITS ON BRIEFING FOR
SUMMARY JUDGMENT AND/OR
ADJUDICATION**

20 **I. STIPULATION AND JOINT REQUEST FOR [PROPOSED] ORDER TO**
21 **EXTEND PAGE LIMITS ON BRIEFING FOR SUMMARY JUDGMENT AND/OR**
22 **ADJUDICATION.**

23 WHEREAS, under Civil L.R. 7-4(b) for the United States District Court for the Northern
24 District of California, Plaintiff and Defendants' memorandum of points and authorities in support
25 of summary judgment motions may not exceed 25 pages of text, excluding indices and exhibits,
26 unless the court orders otherwise;

27 WHEREAS, under Civil L.R. 7-4(b) for the Northern District of California, Plaintiff and
28 Defendants' opposition to any motion must not exceed 25 pages of text, excluding indices and
exhibits; unless the court orders otherwise;

1 WHEREAS, under Civil L.R. 7-4(b) for the Northern District of California, Plaintiff and
2 Defendants' reply to any opposition must not exceed 15 pages of text, excluding indices and
3 exhibits; unless the court orders otherwise;

4 WHEREAS, the 29-page Amended Complaint states six claims against Defendants and
5 raises complex issues under the federal securities laws;

6 ACCORDINGLY, IT IS THEREFORE STIPULATED AND AGREED, by and between
7 the undersigned counsel for Plaintiff and Defendants, subject to the approval of the Court, as
8 follows:

9 1. Each Defendant shall have ten (10) additional pages for his memorandum of points
10 and authorities in support of the motion for summary judgment, thereby increasing the page limit
11 to a total of thirty-five (35) pages;

12 2. Each Defendant shall have ten (10) additional pages for his memorandum of points
13 and authorities in opposition to any summary judgment motion filed by Plaintiff, thereby
14 increasing the page limit to a total of thirty-five (35) pages;

15 3. Each Defendant shall have five (5) additional pages for his reply to any opposition
16 motion filed by Plaintiff, thereby increasing the page limit to a total of twenty (20) pages;

17 4. Plaintiff shall have ten (10) additional pages for its memorandum of points and
18 authorities in support of a motion for summary judgment as to each individual Defendant, thereby
19 increasing the page limit to thirty-five (35) for briefs as to each individual Defendant or one-
20 hundred-five (105) for one brief as to all three Defendants;

21 5. Plaintiff shall have ten (10) additional pages for its memorandum of points and
22 authorities in opposition to summary judgment motions filed by each individual Defendant,
23 thereby increasing the page limit to thirty-five (35) for opposition briefs as to each individual
24 Defendant or one-hundred-five (105) for one opposition brief as to all three Defendants;

25 6. Plaintiff shall have five (5) additional pages for its reply to opposition motions
26 filed by each individual Defendant, thereby increasing the page limit to twenty (20) for reply
27 briefs as to each individual Defendant or sixty (60) for one reply brief as to all three Defendants.
28

1 Dated: November 16, 2009

Respectfully submitted,

2 I represent that concurrence in the filing
3 of this document has been obtained from
4 each of the other signatories which shall
serve in lieu of their signatures on this
document.

FARELLA BRAUN + MARTEL LLP

5 By: /s/ Anthony P. Schoenberg
Anthony P. Schoenberg

6 Attorneys for Defendant Mark Leslie

7
8 Dated: November 19, 2009

U.S. SECURITIES AND EXCHANGE
COMMISSION

9
10 By: /s/ Richard Hong
Richard Hong

11 Attorneys for Plaintiff Securities and Exchange
12 Commission

13 Dated: November 19, 2009

SHARTSIS FRIESE LLP

14
15 By: /s/ Jahan P. Raissi
Jahan P. Raissi

16 Attorneys for Defendant Paul A. Sallaberry

17
18 Dated: November 19, 2009

ORRICK HERRINGTON & SUTCLIFFE LLP

19
20 By: /s/ Danielle Van Wert
Danielle Van Wert

21 Attorneys for Defendant Kenneth E. Lonchar

[PROPOSED] ORDER

Pursuant to stipulation, and good cause appearing therefore, IT IS HEREBY ORDERED that the page limits for all the motions for summary adjudication of all claims in this action are as follows:

1. Each Defendant's Opening Brief: up to 35 pages;
2. Each Defendant's Opposition to Plaintiff's Opening Brief: up to 35 pages;
3. Each Defendant's Reply to Plaintiff's Opposition: up to 20 pages;
4. Plaintiff's Opening Brief: up to 35 pages for briefs as to each individual Defendant, or up to 105 pages for one brief as to all three Defendants;
5. Plaintiff's Opposition to Defendants' Opening Briefs: up to 35 pages for oppositions as to each individual Defendant, or up to 105 pages for one opposition as to all three Defendants;
6. Plaintiff's Reply to Defendants' Oppositions: up to 20 pages for reply as to each individual Defendant, or up to 60 pages for one reply as to all three defendants.

IT IS SO ORDERED.

DATED: _____

HONORABLE JEREMY FOGEL
United States District Judge

[PROPOSED] ORDER

Pursuant to stipulation, and good cause appearing therefore, IT IS HEREBY ORDERED that the page limits for all the motions for summary adjudication of all claims in this action are as follows:

1. Each Defendant's Opening Brief: up to 35 pages;
2. Each Defendant's Opposition to Plaintiff's Opening Brief: up to 35 pages;
3. Each Defendant's Reply to Plaintiff's Opposition: up to 20 pages;
4. Plaintiff's Opening Brief: up to 35 pages for briefs as to each individual Defendant, or up to 105 pages for one brief as to all three Defendants;
5. Plaintiff's Opposition to Defendants' Opening Briefs: up to 35 pages for oppositions as to each individual Defendant, or up to 105 pages for one opposition as to all three Defendants;
6. Plaintiff's Reply to Defendants' Oppositions: up to 20 pages for reply as to each individual Defendant, or up to 60 pages for one reply as to all three defendants.

IT IS SO ORDERED.

DATED: 11/24/09


HONORABLE JEREMY FOGEL
United States District Judge